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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 6 March 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith, the comments of the Government of the Federal Republic of Yugoslavia on the draft resolution before the fifty-first session of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, and to request you kindly to circulate this letter and its annex as an official document of the fifty-first session of the Commission on Human Rights, under agenda item 12.

(Signed) Vladimir Pavicevic
Ambassador

GE.95-12266

COMMENTS OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE PROPOSED DRAFT RESOLUTION OF THE 51. SESSION OF THE COMMISSION ON THE SITUATION OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA, CROATIA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA

The Government of the Federal Republic of Yugoslavia is addressing you as the Chairman of the 51st session of the Commission on Human Rights, and would like to particularly stress its respect for the Commission as the most prestigious United Nations body directly dealing with the promotion and protection of human rights.

However, despite our manifest willingness to continue an optimally active and open cooperation with all those sincerely wishing to promote and ensure respect for human rights the world over our country including, we have, once again, to react against an inappropriate and biased draft resolution, first and foremost in view of the spirit prevailing in it, as reflected in the positions it is promoting.

The Government of the Federal Republic of Yugoslavia is profoundly concerned with the form and content of the proposed draft resolution on the conditions of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia. Starting from the title itself, it is clear that its promoters, contrary to their practice a year ago, are not now even formally taking into consideration the situation in the whole territory of the former Yugoslavia, thus closing their eyes in front of the brutal discrimation conducted in Slovenia and the Former Yugoslav Republic of Macedonia against their respective Serbian, Albanian and other population there, who are faced with a systematic and institutional violation of the provisions of international covenants covering protection and respect of the right to life, employment, education, shelter, health and social insurance, freedom of religion, press, right to property, right to citizenship, freedom of movement, etc.

The proposed draft resolution is far from reflecting and/or taking into account the actual human rights situation in the former Socialist Federal Republic of Yugoslavia.

Instead, the draft resolution is being reduced to considering the situation in the Federal Republic of Yugoslavia and the two former Yugoslav Republics, Croatia and Bosnia & Herzegovina. Unjustifiably, Yugoslavia is still the target of blown-up accusations, automatically repeated throughout the period of the crisis prevailing in the territory of the former Yugoslavia.

The Federal Republic of Yugoslavia is resolutely rejecting the accusations of its alleged disrespect for the rights of the minorities in its territory. In the Federal Republic of Yugoslavia, a civil state under its Constitution, there are all historical, legal and other prerequisites for normal co-existence of all its inhabitants, regardless of their ethnical, religious and other affiliations.

Impartiality of the international community alone, coupled with the highest possible degree of objectivity, can contribute to the settlement of the crisis in the former Yugoslavia, to the calming down of the situation and to reaching solutions through negotiations and dialogue. Otherwise, intolerance shall be further incited, conducive to stirring up unrealistic desires with no foundations in the international law, aimed at secession of the parts of the territory of the Federal Republic of Yugoslavia inhabited by the members of minorities, as well as to encouraging some neighbouring countries being the countries of origin of these minorities, to trade with the alleged threat looming large upon these minorities out of the need for catering their own political interests.

There is no ground whatsoever for accusing the Federal Republic of Yugoslavia of refusing to cooperate with the Special Rapporteur, Mr. Mazowiecki, since, from the very beginning of his taking over, the last twelve months inclusive, the Special Rapporteur has been submitted large volumes containing substantiated statements, replies, explanations, letters and documents relative to the assertions rendered by his reports. All these can be traced and retrieved within the documents of the United Nations Security Council, United Nations General Assembly and the United Nations Commission on Human Rights.

As soon as Mr. Mazowiecki shows least willingness to render a balanced approach aimed at objectivity towards the Federal Republic of Yugoslavia, the problem of our communication with him, pointed to in the resolution, shall be bridged altogether.

The thesis contained in the operational paragraphs 4 and 7 is totally inappropriate. In the former, the greatest responsibility for a substantial number of human rights violations is being shifted onto the "political and military leadership of the Federal Republic of Yugoslavia" (along with the leadership in the territory under Serbian control) on which grounds, in the latter - paragraph 7 - by recoursing to flat condemnation of the "Serbian forces" for the use of military force against civilians and other categories of protected population, the responsibility of the Federal Republic of Yugoslavia and/or its political and military leadership for the sufferings of the civilians is implied. Such an accusation was absurd a year ago, let alone at present when, as it is generally known, the border between the Federal Republic of Yugoslavia and former Bosnia and Herzegovina is totally sealed off.

Also, there are no grounds for urging the Federal Republic of Yugoslavia - in paragraph 20 - to reveal the relevant available information and documentation concerning the missing persons, since it has already been done at the current session of the Commission, eloquent proof of this being the document submitted at the request of the Permanent Representative in Geneva within Item 10 (c) of the Agenda. Inter alia, it shows that when this problem first emerged, the Federal Republic of Yugoslavia has been actively engaged and cooperated with the representatives of the International Committee of the Red Cross, Croatia and other humanitarian organizations.

The authors of the proposed draft resolution once again failed mentioning the grave humanitarian situation in the Federal Republic of Yugoslavia, where preconditions for exercising some of the human rights such as, above all, the fundamental right to life, health, food, free movement, education, etc. do not exist, as a result of the internationally imposed sanctions. Among those suffering most, the largest is the number of the sick, the elderly, women and children. Decidedly, the authors either have not at all read or are simply ignoring the many reports submitted by respectable UN humanitarian agencies, e.g., the UNHCR, UNICEF, WHO, FAO, and other. Possibly, the authors are of the opinion that in the case of the Federal Republic of Yugoslavia, the efforts of these agencies are not within the scope of the human rights activities.

As regards Kosovo and Metohija - this being the official name of this region of the republic of Serbia, and the objective problems there, the Government of the Federal Republic of Yugoslavia and many other competent institutions from the Federal Republic of Yugoslavia have so far submitted large volumes to all relevant international governmental and non-governmental organizations, in an effort to explain the situation prevailing in that region. This time, again, we should like to emphasize the irrefutable fact that no violation of human rights of the Albanian minority has been committed by the legitimate authorities of the Federal Republic of Yugoslavia in Kosovo and Metohija; the bare truth is that the political leaders of this minority are trying to commit secession, i.e. to annex a part of the territory

of the Federal Republic of Yugoslavia to Albania, while failing to recognize its legitimately elected organs of government and institutions, and refusing any cooperation.

The name of the so-called "Sandzak" region does not exist as an official geographical term: its actual name is Raska. We have repeatedly pointed out that "Sandzak" is a Turkish name of what used to be one of the Turkish medieval administrative units. The inhabitants of this part of Serbia, heterogeneous in terms of their ethnic composition and religious affiliations, were used to living in peace and harmony for years, which would still have been the case if it were not for outside political interference and conflicting political interests, just the same as in the major part of the former Yugoslavia. On various occasions, we have also submitted accurate data on the equality of and equal opportunities for all citizens, regardless of their ethnic origin.

As for Vojvodina, all the national minorities living in this Province are fully cooperating with the Republican and Federal authorities, viewing them as legitimate authorities of their own state, and participating in their activities on a footing of equality. First and foremost, there are the Hungarians, the biggest national minority there, and their large-scale cooperation with their country of origin, the Republic of Hungary, is also eloquent proof of the further promotion of their status in all the relevant fields.

No threat has been made against the rights of the Bulgarian national minority members. The status of all the minorities in the Federal Republic of Yugoslavia is uniformly regulated under the relevant Federal and Republican Constitutions, as well as under respective laws which are the very facsimile of the highest rights recognized to minorities under the Unite Nations, Organization on Security and Cooperation in Europe or the Council of Europe documents. For example, the Bulgarians account for 0,2% of the total population of the Federal Republic of Yugoslavia, but in the communes where they prevail, even 100% of deputies in local assemblies are ethnic Bulgarians (e.g., Bosiljgrad), as well as up to 75% of judges of Communal courts (Dimitrovgrad), up to 66% of the police force including heads of departments, e.g., the commune of Dimitrovgrad, and up to 90% of company managers (Dimitrovgrad, etc.). There is a Department for the Bulgarian language at the Belgrade Faculty of Humanities, with a professor, ethnic Bulgarian, heading it, even more so when it comes to the possibilities of education in their mother tongue at the lower levels of education.

Departing from the evident fact that Bulgaria has been making efforts to make use of the Bulgarian minority in the Federal Republic of Yugoslavia for political purposes of its own, the Federal Republic of Yugoslavia, has submitted to the United Nations, at its own initiative, detailed information on the status of the Bulgarian minority, published as the United Nations Security Council document (A/49/337, of August 24, 1994) and United Nations Commission on Human Rights document (E/CN.4/1995/103, of November 21, 1994). Such an approach maintained by Bulgaria is a confirmation of the fact that, until this day, it has not renounced its aspirations to some segments of the territory of the Federal Republic of Yugoslavia, which it claims by referring to them as its "western provinces", which is in contravention of Bulgaria's declared policy towards the Federal Republic of Yugoslavia.

The Government of the Federal Republic of Yugoslavia deems inappropriate the discriminatory attitude the Commission has maintained towards the Federal Republic of Yugoslavia ever since the very breaking out of the crisis in the former Yugoslavia, particularly in view of the fact that the evaluation and adoption of resolutions on the human rights situation in its territory have been made without any prior consultations being done with the Federal Republic of Yugoslavia itself, which is exactly the case this time as well.

Such practice is in flagrant violation of the Yugoslav legitimate right to give a contribution of its own to the finalization of the Commission's actions, and it is in contravention of one of the most remarkable principles upon which the Commission's work should be based - avoiding politicization of human rights and their abuse out of political interests.

The Federal Republic of Yugoslavia considers sheer provocation and hypocrisy to see countries like Albania, whose human and minority rights standards rank among the lowest in Europe, or Turkey, a country that has committed a triple genocide in this century only : against a segment of its own population, against the Armenians and nowadays, against the Kurds; or, for that matter, Pakistan and Malaysia, the very states objects themselves of innumerable reports compiled by many a special rapporteur and by non-governmental organizations, in view of their systematic and massive human rights violations, as those to be consulted and having a say on the draft text of a resolution on the Federal Republic of Yugoslavia.

We are of the opinion that the Commission on Human Rights should have the proposed draft of its resolution changed substantially if it wished to impress as being a body capable of elevating human rights over political interests of its individual member countries.

Belgrade, March 3, 1995